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PATENT APPLICATION



The Commissioner of Patents and Trademarks
Applications Branch
Washington, D. C. 20231

Sir:

In response to a "Notice to File Missing Parts of Application" (PTO-1533) we received in connection with the following US patent application:

Applicant(s): STEVEN JEFFREY ZACK, CHRISTOPHER W.B. GOODE, YONG HO SON, ANDREW G. FLETCHER, and KEVIN J. BORUSIEWICZ

Title of application: METHOD AND APPARATUS FOR PROVIDING IN-BAND MESSAGING WITHIN A VIDEO ON DEMAND ENVIRONMENT

Serial No.: 09/458,322

Filed: DECEMBER 10, 1999

Attorney Docket No.: 533/198

We enclose the following material herewith:

- ☒ Declaration;
- ☒ Verified statement claiming small entity status;
- ☐ Verified English translation of the application;
- ☐ Our check in the amount of \$_____ to cover the basic filing fee of \$_____, additional claim fees of \$_____ and the surcharge under 37 CFR 1.16(e) in the amount of \$_____;
- ☒ Copy of PTO-1533 (Notice to File Missing Parts) issued in connection with this application.

We have also enclosed the following item(s) in connection with this application:

- ☐ A claim to priority;
- ☐ Priority Document;
- ☒ Other: Assignment to DIVA Systems Corporation

3040 POST OAK BLVD, HOUSTON
TEL. (713) 623-4844
FAX (713) 623-4846

2033 GATEWAY PL, SAN JOSE
TEL. (408) 573-1100
FAX (408) 573-1101

11855 COMMONWEALTH DR, LOUISVILLE
TEL. (502) 266-9404
FAX (502) 266-9480

Please charge the Application Fee in the amount of \$380, additional claim fee in the amount of \$0, the surcharge under 37 CFR 1.16(e) in the amount of \$65, and any additional fees, as appropriate, to Deposit Account 20-0782. To facilitate this charge a duplicate copy of this letter is also enclosed herewith.

Please issue a corrected filing receipt as appropriate.

Respectfully submitted,



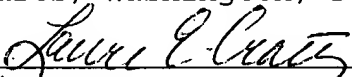
Eamon J. Wall, Attorney
Reg. No. 39,414
(908) 530-9404

Dated: 2/22/00

EJW:lec
Encls.

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on 2/22/00 with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Commissioner of Patents and Trademarks, Attention: Box Missing Parts, Washington, D.C. 20231.



Signature

2/22/00

Date of signature



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/458,322 12/10/99 ZACK

\$ 533/198

0262/0125

THOMASON MOSER & PATTERSON LLP
2-40 BRIDGE AVENUE
P O BOX 8160
RED BANK NJ 07701

NOT ASSIGNED

2713

DATE MAILED:

01/25/00

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this **NOTICE** to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 890.00

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.
\$ _____ for _____ independent claims over 3.
\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

A JONES

Customer Service Center
Initial Patent Examination Division (703) 308-1202

BEST AVAILABLE COPY

09/458322 0000083 200782 360.00 CH 65.00 CH

18/2000 KZENDIE
FC:205